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STATE DOCUMENTS

MONTANA HIGHWAY COMMISSION
GROSS VEHICLE WEIGHT DIVISION
BOX 258
HELENA, MONTANA 59601

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VEHICLE SIZE AND WEIGHT
SPECIAL PERMITS

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- DEALER DEMONSTRATION PERMITS
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- CHAPTER 242
MONTANA SESSION LAWS 1971
HOUSE BILL NO. 118
- DEFINITION OF HIGHWAY

Effective July 1, 1971

STATE OF MONTANA
100 West Lynedale Avenue
Helena, Montana 59601

SIZE AND WEIGHT
SPECIAL PERMITS

32-1122. Regulation of size and weight of vehicles on public highways. It shall be unlawful and constitute a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any public highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this act, or any vehicle or vehicles which are not so constructed or equipped as required in this act or the rules and regulations of the state highway commission, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations or substitute any other limitations or requirements except as express authority may be granted in this act. Provided, however, that the operator of a vehicle which has been loaded at a location where no scale exists can move said vehicle over the public highways to the first open state scale without incurring the penalties provided by section 32-1125, R.C.M. 1947. The origin of movement must be at such distance from a scale that the operator could not have been reasonably expected to check the weight of said vehicle during the loading thereof and the operator must exhibit shipping papers or other written evidence of the location at which the vehicle was loaded. The vehicle must proceed toward its destination over the most direct highway route and stop at the first open state scale, permanent-or portable. The load must be adjusted or reduced to conform to existing limitations upon size and weight of vehicles before said vehicle shall be moved from the point of weighing.

32-1123. Standards of maximum dimensions, weights, etc. The following standards are hereby made applicable to and shall govern the maximum dimensions and weights of motor vehicles, and other characteristics and factors thereof, operating over the highways of and in the state of Montana, to the exclusion of any other standards or any other requirements respecting the subject matter:

(1) Definitions. For the purpose of this act, the following definitions shall apply:

- (a) Vehicle - as defined in section 32-2102, R.C.M. 1947.
- (b) Motor Vehicle - as defined in section 32-2102, R.C.M. 1947.
- (c) Truck-Tractor - as defined in section 32-2103, R.C.M. 1947.
- (d) Truck - as defined in section 32-2104, R.C.M. 1947.
- (e) Trailer - as defined in section 32-2105, R.C.M. 1947.
- (f) Semitrailer - as defined in section 32-2105, R.C.M. 1947.
- (g) Dolly or converter gear - a device consisting of one (1) or two (2) axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, thereby converting a semitrailer into a full trailer as defined in section 32-2105, R.C.M. 1947.

(2) Width - No vehicle, unladen or with load, shall have a total outside width in excess of ninety-six (96) inches, except buses which may have a total outside width not to exceed one hundred two (102) inches, and such bus width shall be allowed only on paved highways twenty (20) feet or more in width; provided, however, that this restriction does not apply to implements of husbandry moved or propelled upon the highway during daylight hours for a distance of not more than fifty (50) miles, if the movement is incidental to the farming operations of the owner of the implement of

husbandry; provided, further, that with respect to such implements of husbandry having a width in excess of twelve (12) feet, it shall be preceded and followed by flagmen escorts for the purpose of warning other highway users.

(3) Height - No vehicle, unladen or with load, shall exceed a height of thirteen (13) feet, six (6) inches.

(4) Length - (a) No single truck, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of thirty-five (35) feet.

(b) No single bus, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty (40) feet.

(c) No combination of truck and trailer, tractor and semitrailer, tractor-semi-trailer-full trailer, or tractor-semitrailer-semitrailer converted to a full trailer by use of a dolly equipped with a fifth wheel, shall have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet, provided that when the combination consists of more than two (2) units the rear units of such combination shall be equipped with breakaway brakes.

(d) No motor vehicle shall tow more than one (1) motor vehicle and no motor vehicle shall draw more than two (2) motor vehicles attached thereto by the dual saddlemount method, that is by mounting the front wheels of one (1) vehicle on the bed of another leaving the rear wheels only of such vehicle in contact with the roadway, nor shall such combination have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet.

(e) No passenger vehicle or truck of less than two thousand (2,000) pounds "manufacturers' rated capacity" shall tow more than one (1) trailer or semitrailer, nor shall such combination have an overall length, inclusive of front and rear bumpers, in excess of sixty (60) feet.

(5) Permissible Loads - (a) No axle shall carry a load in excess of eighteen thousand (18,000) pounds. An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle.

(b) (i) The gross weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is eighteen (18) feet or less, and the gross weight of any vehicle when the distance between the first and last axles of all the axles of the vehicle is eighteen (18) feet or less, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles, or between the first and last axles of all of the axles of any vehicle

Maximum gross weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle.

4	-----	32,000
5	-----	32,000
6	-----	32,200
7	-----	32,900

8	-----	33,600
9	-----	34,300
10	-----	35,000
11	-----	35,700
12	-----	36,400
13	-----	37,100
14	-----	43,200
15	-----	44,000
16	-----	44,800
17	-----	45,600
18	-----	46,400

(ii) The gross weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicle or combination of vehicles is more than eighteen (18) feet, shall not exceed that set forth in the following table of weights:

<u>Distance in feet between the first and last axles of all the axles of a vehicle or combination of vehicles.</u>	<u>Maximum gross weight, in pounds, of any vehicle or combination of vehicles.</u>
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18	-----	46,400
19	-----	47,200
20	-----	48,000
21	-----	48,800
22	-----	49,600
23	-----	50,400
24	-----	51,200
25	-----	55,250
26	-----	56,100
27	-----	56,950
28	-----	57,800
29	-----	58,650
30	-----	59,500
31	-----	60,350
32	-----	61,200
33	-----	62,050
34	-----	62,900
35	-----	63,750
36	-----	64,600
37	-----	65,450
38	-----	66,300
39	-----	68,000
40	-----	70,000
41	-----	72,000
42	-----	73,280
43	-----	73,280
44	-----	73,280
45	-----	73,280
46	-----	73,280
47	-----	73,280
48	-----	73,280
49	-----	73,280
50	-----	73,280

51	-----	73,280
52	-----	73,600
53	-----	74,400
54	-----	75,200
55	-----	76,000
56	-----	76,400
57	-----	76,800

(c) The state highway commission may, based on evaluation of safety, highway capacity, and economics of highway maintenance and vehicle operation, authorize by special permit at a fee of ten dollars (\$10), specifying highway routings, the operation of vehicles having two (2) but not more than nine (9) axles for which the maximum single axle load shall be twenty thousand (20,000) pounds and all axles forty (40) inches or less apart shall be considered a single axle, and for which no two (2) consecutive axles more than forty (40) inches or less than ninety-six (96) inches apart shall carry a load in excess of thirty-four thousand (34,000) pounds. The maximum gross weight allowed on any vehicle or combination so authorized shall be determined by the formula W equals $500(LN/N \text{ minus } 1 \text{ plus } 12N \text{ plus } 36)$ in which W equals gross weight, L equals wheel base in feet and N equals number of axles, provided that the maximum allowable gross weight on any group of axles shall not exceed the following values:

2 axles	-----	40,000 pounds
3 axles	-----	60,000 pounds
4 axles	-----	80,000 pounds
5 axles	-----	85,500 pounds
6 axles	-----	90,000 pounds
7 axles	-----	105,500 pounds
8 axles	-----	105,500 pounds
9 axles	-----	105,500 pounds

This subdivision shall have no application to highways which are a part of the National System of Interstate and Defense Highways (as referred to in section 127 of title 23, United States Codes) when such application would prevent this state from receiving any federal funds for highway purposes.

(d) The distance between axles shall be measured to the nearest foot. When a fractional measurement is exactly one-half (1/2) foot, the next larger whole number shall be used.

(e) The maximum axle and axle group loads stated in paragraphs (a), (b) (i) and (b) (ii) of clause (5) above are subject to reasonable reduction in the discretion of the state highway commission during periods when road subgrades have been weakened by water saturation or other causes.

(f) The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits herein recommended shall be permitted only if and when authorized by special permit issued by the state highway commission or its officers, supervisors or agents acting pursuant to duly delegated authority from said commission, including the Montana highway patrol.

(g) Nothing contained in this section shall be deemed to authorize, without a permit issued as provided by law, the operation of any combination of vehicles having any gross weight, axle load or size in excess of that authorized in this section, or the operation of any combination of vehicles on the National System of Interstate and

Defense Highways having any gross weight or size in excess of that permitted by operation of law in this state prior to July 1, 1956, or by federal law or regulation in excess thereof, which may be hereafter adopted. If federal law allows establishment of size and weight limits in excess of those permitted in this section, without penalty or denial of federal funds for highway purposes, the state highway commission may, by permit designating highway routing, authorize the movement on highways under its jurisdiction of vehicles or combinations of vehicles of a size or weight in excess of the limits provided for in this section, but within the limits necessary to qualify for federal aid highway funds.

32-1124. Violation of act a misdemeanor. It shall be unlawful and constitute a misdemeanor for any person, firm or corporation to violate any of the provisions of section 32-1123.

32-1125. Penalties. Any person, firm or corporation shall be punished by a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00), excepting as provided below, or by imprisonment in the county or municipal jail for not less than five (5) days nor more than twenty-five (25) days. Any person, firm or corporation convicted of the offense of operating a motor vehicle upon the public highways of this state with weight upon any wheel, axle or group of axles or upon more than one thereof greater than the maximum permitted by section 32-1123, and acts amendatory thereto, shall be fined in addition to and not in substitution for any and all penalties now provided by law for such offense, the following amounts:

Fifteen dollars (\$15.00) for any excess weight up to and including two thousand (2,000) pounds.

Twenty-five dollars (\$25.00) for any excess weight more than two thousand (2,000) pounds and less than four thousand and one (4,001) pounds.

Thirty-five dollars (\$35.00) for any excess weight more than four thousand (4,000) pounds and less than six thousand and one (6,001) pounds.

Fifty dollars (\$50.00) for any excess weight more than six thousand (6,000) pounds and less than eight thousand and one (8,001) pounds.

Eighty dollars (\$80.00) for any excess weight more than eight thousand (8,000) pounds and less than ten thousand and one (10,001) pounds.

One hundred ten dollars (\$110.00) for any excess weight more than ten thousand (10,000) pounds and less than twelve thousand and one (12,001) pounds.

One hundred and fifty dollars (\$150.00) for any excess weight more than twelve thousand (12,000) pounds and less than fourteen thousand and one (14,001) pounds.

Two hundred dollars (\$200.00) for any excess weight more than fourteen thousand (14,000) pounds and less than sixteen thousand and one (16,001) pounds.

Two hundred fifty dollars (\$250.00) for any excess weight more than sixteen thousand (16,000) pounds and less than eighteen thousand and one (18,001) pounds.

Three hundred dollars (\$300.00) for any excess weight more than eighteen thousand (18,000) pounds and less than twenty thousand and one (20,001) pounds.

Five hundred dollars (\$500.00) for any excess weight more than twenty thousand (20,000) pounds and less than twenty-five thousand and one (25,001) pounds.

One thousand dollars (\$1,000.00) for any excess weight more than twenty-five thousand (25,000) pounds.

All complaints filed and all summonses or notices to appear, issued pertaining to violations of the gross weight regulations of this act, shall specify the amount of the overweight, which the defendant is alleged to have had upon the vehicle or combination of vehicles.

All fines and forfeitures shall be remitted monthly by the county treasurer to the state treasurer for deposit in the state general fund.

32-1126. Officers may weigh vehicles and require removal of excessive loads - badges and uniforms of highway employees. Any peace officer, officer of the Montana highway patrol, or employees of the state highway commission are authorized and empowered to weigh any vehicle as provided in section 32-1123, R.C.M. 1947, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales in the event such scales are within two (2) miles. The peace officer, officer of the Montana highway patrol, or employees of the state highway commission may then require the driver to unload immediately such portion of the load as may be necessary to decrease the weight of such vehicle to conform to the maximum allowable weights specified in section 32-1123.

All commodities and material so unloaded as required by this section shall be cared for and removed from the highway right of way by the owner or operator of such vehicle at the risk of such owner or operator. Such removal shall be within such reasonable time as may be designated by the peace officer, officer of the highway patrol, or employees of the Montana state highway commission who has compelled such unloading.

The state highway commission is empowered to establish, maintain, and operate, either intermittently or on a continuous schedule, weigh stations and be empowered to require all vehicles, except passenger cars, and pick-up trucks under eight thousand (8,000) pounds G.V.W. to enter for the purpose of weighing and inspection for compliance with all laws pertaining to the operation and safety requirements.

Employees of the state highway commission engaged in the enforcement of this act shall wear and prominently display an identification badge or device with the employee's name and title shown thereon. The state highway commission may in its discretion authorize uniform dress for state highway commission employees engaged in the enforcement of this act.

32-1127. Permits for excess size and weight. The state highway commission, and local authorities in their respective jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing, authorizing the applicant to operate or move a vehicle, combination of vehicles, load, object or any other thing of a size or weight exceeding the maximum specified in section 32-1123, R.C.M. 1947, or acts amendatory upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible; provided, however, that only the state highway commission shall have the discretion to issue permits for movement of a vehicle or combination of vehicles carrying built-up or reducible loads in excess of nine (9) feet in width or exceeding the length, height, or weight specified in section 32-1123, R.C.M. 1947. Said permit

shall be issued in the public interest; provided, however, that any carrier receiving this permit must have public liability and property damage insurance for the protection of the traveling public as a whole. No permit shall be issued for a period of time greater than the license provided in Title 53 or Title 32, R.C.M. 1947, as amended, including grace periods allowed by said sections. Vehicles licensed in other jurisdictions may, at the discretion of the Montana state highway commission, purchase permits to expire with their registration, provided that any license required by the state of Montana shall govern the issuance of a special permit. The Montana state highway commission may issue oversize permits to dealers in implements of husbandry and self-propelled machinery which may be transferred from unit to unit by the dealer for the fees set forth in paragraph (b). Such permits issued to dealers in implements of husbandry and self-propelled machinery shall expire on December 31 of each year with no grace period. For the purposes of this section, a dealer in implements of husbandry or self-propelled machinery shall be a resident of the state of Montana. A post-office box number shall not be a permanent address under this section.

The applicant for any special permit shall specifically describe the powered vehicle or towing vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or any other thing to be operated or moved and the particular state highways over which the vehicle, combination of vehicles, load, object, or any other thing is to be moved and whether such permit is required for a single trip or for continuous operation. All fees collected under this act shall be forwarded to the state treasurer for deposit in the state highway general fund.

(a) Special permits - Discretion of Issuer - Conditions. The state highway commission or local authority is authorized to issue or withhold such special permit at its discretion, or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle, combination of vehicles, load, object, or any other thing described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle, combination of vehicles, load, object, or any other thing when necessary to assure against damage to the road foundation, surfaces or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

(b) Special permits - Fees. The following fees, in addition to the regular license and gross vehicle weight fees, shall be paid for all movement under special permits on the public highways under the jurisdiction of the state highway commission:

Six dollars (\$6) for each permit issued in excess of the size and weight specified in section 32-1123, R.C.M. 1947, and acts amendatory thereto; provided, however, that term or blanket permits shall not be issued for overwidth vehicles, combination of vehicles, load or any other thing in excess of fifteen (15) feet, overlength vehicles, combination of vehicles, load, object or any other thing in excess of eighty-five (85) feet, and overheight vehicles, combination of vehicles, load or any other thing in excess of thirteen and one-half (13 1/2) feet or of a limit determined by the state highway commission. A vehicle, combination of vehicles, load, or any other thing in excess of these dimensions will be limited to trip permits.

(c) A self-propelled vehicle used only for the purpose of moving haystacks on a commercial basis is subject to the provisions of this section except as follows:

1. The vehicle, loaded or unloaded, shall not exceed fifty-five (55) feet in length nor twenty (20) feet in width.

2. No single load shall be moved on such vehicle a distance greater than seventy-five (75) miles from the point of origin on public roads.

3. When the vehicle is hauling a load it shall be accompanied by two (2) pilot cars. Each car shall be equipped with a flashing warning light, a red flag, and a sign with the words "wide load" written thereon. One (1) car shall precede the vehicle by not less than one hundred (100) yards nor more than one-quarter (1/4) mile and one (1) shall follow the vehicle at a distance not less than one hundred (100) yards nor more than one-quarter (1/4) mile. The following pilot car shall be in radio contact with the vehicle at all times.

4. The speed of the vehicle shall be reasonable and proper but not in excess of thirty-five (35) miles per hour.

5. The vehicle shall be operated only between the hours of sunrise and sunset.

6. The vehicle may not be operated on an interstate or controlled-access highway.

7. A term or blanket permit may be issued for the vehicle.

(d) A fee of six dollars (\$6) shall be paid for each overweight permit issued, provided no permit shall be issued for a period of time greater than the license provided in Title 53 or Title 32, R.C.M. 1947, as amended, including grace periods allowed by said sections. Vehicles licensed in other jurisdictions may, at the discretion of the Montana state highway commission purchase permits to expire with their registration, provided that any license required by the state of Montana shall govern the issuance of a special permit. In addition to the permit fee, there shall be charged for single trip permits: five dollars (\$5) for distances to and including one hundred (100) miles; fifteen dollars (\$15) for distances from one hundred one (101) to one hundred ninety-nine (199) miles; and twenty-five dollars (\$25) for distances over two hundred (200) miles traveled, for such excess load over the gross allowable load specified in this section or the sum of the excess axle loads, whichever is greater.

(e) Permits issued to the United States government, states, counties, cities and their political subdivisions, shall be issued without fee for a term beginning with the date of issuance and expiring December 31.

(f) Special permits- Misrepresentations and Violations - Penalty - Display of Permit. Any person who knowingly and willfully misrepresents the size of weight of any vehicle, combination of vehicles, load, object or any other thing in obtaining a special permit or does not follow the requirements and conditions of the special permit or who operates any vehicle, combination of vehicles, load, object, or any other thing, the gross weight of which is in excess of the maximum for which such vehicle, combination of vehicles, load, object, or any other thing may be eligible for license, without first obtaining a special permit, is guilty of a misdemeanor.

Every special permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer, officer of the Montana highway patrol, or employees of the state highway commission.

A peace officer, officer of the Montana highway patrol, or employees of the state highway commission who shall find any person operating a vehicle, combination

of vehicles, load, object, or any other thing in violation of the conditions of a special permit issued hereunder may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated and if a permit shall be returned to the permittee, the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may, upon request, receive a hearing before the commission or person designated by the commission. The commission, after such hearing, may reinstate any permit or revise its previous action.

32-1128. When state or local road authorities may restrict right to use highways. State or local road authorities may by ordinance or resolution prohibit the operation of vehicles upon any public highway under their respective jurisdictions or impose restrictions as to the weight of vehicle when operated upon any public highway under the jurisdiction of and for the maintenance of which such authorities are responsible, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon are prohibited or the permissible weights thereof reduced. Such authorities enacting any such ordinance or resolution shall erect or cause to be erected signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until or unless such signs are erected. Such authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

32-1130. Penalties for misdemeanor. (a) It shall be unlawful and constitute a misdemeanor for any person, firm or corporation to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Any person, firm or corporation first convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided shall for a conviction thereof be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or by imprisonment in the county or municipal jail for not less than five (5) days nor more than twenty-five (25) days; for a second such conviction within one (1) year thereafter such person, firm or corporation shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00) or by imprisonment in the county or municipal jail for not less than twenty-five (25) days nor more than one hundred (100) days, or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person, firm or corporation shall be punished by a fine of not less than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00), or by imprisonment in the county or municipal jail for not less than one hundred (100) days nor more than six (6) months, or by both such fine and imprisonment.

32-1131. Speed and traffic regulations - Disposition of fines. Any and all fines collected for the violation of any of the provisions of this act shall belong to the general road fund of the county, and shall, immediately after their collection, be paid over by the court or magistrate collecting the same to the county treasurer for the use and benefit of that fund, except for that portion of the fines, as provided for in section 4 75-5304 of this act, which the county treasurer shall transmit to the state treasurer of Montana and by him credited to the automobile driver education account in the earmarked revenue fund.

GROSS WEIGHT FEES

CHAPTER 32. STATE VEHICLE FEES - PAYMENT, EXPIRATION AND DISPOSITION.

32-3201. Time for payment of fees. A person who owns or operates a vehicle subject to the fees provided in chapter 197, sections 6-201, 6-202, 6-203, 6-204, 6-205, 6-206, 6-207, 6-208, and 6-210 /32-3301 - 32-3308 and 32-3310/ and acts amendatory thereto shall pay the fees provided in this chapter.

Prior to or at the time of registration of such vehicle as required under Title 53, Revised Codes of Montana, 1947, and acts amendatory thereto, or prior to the operation of such vehicle on the public highways, fees paid shall be the full amount provided in this chapter unless otherwise provided by law.

A person who makes application for license after the first day of July of any year shall pay one-half (1/2) of those fees.

Section 32-3202. Expiration date. The fees paid hereunder for every motor truck, truck-tractor, trailer, semitrailer, bus or automobile shall expire on December 31 of each year. Any certificate, registration, or license issued shall be valid only for the period for which issued.

Section 32-3203. (Chapter 127, Laws of Montana 1969). License is transferable. The certificate, registration or license issued hereunder is transferable by the licensee to another truck, truck tractor, trailer, semitrailer, lowboy trailer, pole trailer, housetrailer, or passenger car upon transfer of ownership of such truck, truck tractor, trailer, semitrailer, lowboy trailer, pole trailer, housetrailer, or passenger car to a replacement vehicle of the same type. If a smaller vehicle is purchased, there shall be no refund.

Section 32-3204. Disposition of fees collected by county treasurer. At the time of collecting the fees provided for in section 32-3201, R.C.M. 1947, each county treasurer shall retain five percent (5%) of the fees collected by the county treasurer for the cost of administration, and for deposit in the general fund of the county. The remaining ninety-five percent (95%) shall be remitted monthly to the state treasurer for deposit to the credit of the commission. Such remittance shall be made on forms furnished to the county treasurer by the commission.

Section 32-3205. Deposit of state highway moneys. (1) Any reference to the state highway fund shall be taken to mean the state highway account in the earmarked revenue fund.

(2) All moneys received for the use of the commission from the receipt or transfer of motor vehicle license fees, as provided by law, or from other state sources shall be deposited in the earmarked revenue fund to the credit of the commission.

(3) All moneys received from the counties and from the federal government or other agencies shall be deposited in the federal and private revenue fund to the credit of the commission.

(4) Hereafter, all moneys collected for the commission as authorized by law shall be credited to such fund or funds by the state treasurer.

Section 32-3206. Additional tax by municipalities prohibited - exceptions. Municipalities shall not levy, assess, collect, or charge any additional tax upon any carrier of persons or property for hire, except as provided by law. However, no carrier shall be exempt hereby from paying a parking, curb or ad valorem property tax levied by any municipality.

CHAPTER 33 - ADDITIONAL TRUCK, TRAILER AND BUS FEES - SALES TAX ON VEHICLES - EXCESS WEIGHT PENALTIES.

32-3301. Additional fees on motor trucks and truck-tractors. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each motor truck and truck-tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his application, the following fees:

Schedule I

Up to 6,000 lbs. -----	\$ 7.50
6,001 lbs. or more, and less than 8,000 lbs. -----	12.50
8,001 lbs. or more, and less than 10,000 lbs. -----	17.50
10,001 lbs. or more, and less than 12,000 lbs. -----	20.00
12,001 lbs. or more, and less than 14,000 lbs. -----	22.50
14,001 lbs. or more, and less than 16,000 lbs. -----	27.50
16,001 lbs. or more, and less than 18,000 lbs. -----	37.50
18,001 lbs. or more, and less than 20,000 lbs. -----	50.00
20,001 lbs. or more, and less than 22,000 lbs. -----	62.50
22,001 lbs. or more, and less than 24,000 lbs. -----	93.75
24,001 lbs. or more, and less than 26,000 lbs. -----	125.00
26,001 lbs. or more, and less than 28,000 lbs. -----	156.25
28,001 lbs. or more, and less than 30,000 lbs. -----	206.25
30,001 lbs. or more, and less than 32,000 lbs. -----	262.50
32,001 lbs. or more, and less than 34,000 lbs. -----	318.75
34,001 lbs. or more, and less than 36,000 lbs. -----	375.00
36,001 lbs. or more, and less than 38,000 lbs. -----	431.25
38,001 lbs. or more, and less than 40,000 lbs. -----	487.50
40,001 lbs. or more, and less than 42,000 lbs. -----	543.75

Section 32-3302. Additional fees on trailers and semitrailers. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight thereof as set by the licensee in his application, except as otherwise provided, the following fees:

Schedule II

Trailers Other Than House Trailers

Up to 2,500 lbs. for personal use -----	Exempt
Up to 2,500 lbs. for commercial use -----	\$ 3.75
2,501 lbs. or more, and less than 6,000 lbs. -----	5.00
6,001 lbs. or more, and less than 8,000 lbs. -----	15.00
8,001 lbs. or more, and less than 10,000 lbs. -----	17.50
10,001 lbs. or more, and less than 12,000 lbs. -----	20.00
12,001 lbs. or more, and less than 14,000 lbs. -----	22.50
14,001 lbs. or more, and less than 16,000 lbs. -----	27.50
16,001 lbs. or more, and less than 18,000 lbs. -----	37.50
18,001 lbs. or more, and less than 20,000 lbs. -----	50.00
20,001 lbs. or more, and less than 22,000 lbs. -----	62.50
22,001 lbs. or more, and less than 24,000 lbs. -----	93.75
24,001 lbs. or more, and less than 26,000 lbs. -----	125.00

26,001 lbs. or more, and less than 28,000 lbs. ----	156.25
28,001 lbs. or more, and less than 30,000 lbs. ----	206.25
30,001 lbs. or more, and less than 32,000 lbs. ----	262.50
32,001 lbs. or more, and less than 34,000 lbs. ----	318.75
34,001 lbs. or more, and less than 36,000 lbs. ----	375.00
36,001 lbs. or more, and less than 38,000 lbs. ----	431.25
38,001 lbs. or more, and less than 40,000 lbs. ----	487.50
40,001 lbs. or more, and less than 42,000 lbs. ----	543.75

Section 32-3302.1. Alternative Additional Fees on truck-trailer combinations. In addition to other fees for the licensing of vehicles, there may be paid and collected annually instead of the fees provided in section 32-3301, R.C.M. 1947, enacted as section 6-201, Laws of 1965, for each motor truck or truck-tractor, based upon the maximum combined gross loaded weight of a truck-tractor with a semitrailer, a truck-tractor with a semitrailer and a full trailer, a motor truck and a trailer, or a motor truck and trailers, as set by the licensee in his application, the following fees:

Schedule III

Truck-tractor with a semitrailer, a truck-tractor with a semitrailer and a full trailer, a motor truck and a trailer, or a motor truck and trailers:

Up to 42,000 lbs. -----	\$	571.00
42,001 to 44,000 lbs. -----		631.00
44,001 to 46,000 lbs. -----		691.00
46,001 to 48,000 lbs. -----		752.00
48,001 to 50,000 lbs. -----		812.00
50,001 to 52,000 lbs. -----		871.00
52,001 to 54,000 lbs. -----		931.00
54,001 to 56,000 lbs. -----		992.00
56,001 to 58,000 lbs. -----		1,052.00
58,001 to 60,000 lbs. -----		1,112.00
60,001 to 62,000 lbs. -----		1,172.00
62,001 to 64,000 lbs. -----		1,233.00
64,001 to 66,000 lbs. -----		1,293.00
66,001 to 68,000 lbs. -----		1,352.00
68,001 to 70,000 lbs. -----		1,412.00
70,001 to 72,000 lbs. -----		1,473.00
72,001 to 74,000 lbs. -----		1,533.00
74,001 to 76,000 lbs. -----		1,593.00
76,001 to 78,000 lbs. -----		1,653.00
78,001 and over -----		65.50 per ton or fraction thereof.

Payment of the fees provided in this section shall exempt any semitrailer or trailer in combination with a motor truck or truck-tractor so licensed from the fees provided in sections 32-3302, 32-3310, 32-3312, and 53-129.

Such trailers or semitrailers must be currently registered in another state or country.

Any trailer or semitrailer entering the state of Montana in combination with a truck or truck-tractor licensed under the above schedule may be moved in the local delivery zone in combination with a truck, truck-tractor, licensed under section 32-3301, R.C.M. 1947, without payment of any additional fees on such truck or truck-tractor, trailer or semitrailer.

A permit must be obtained from the state highway commission before such truck-tractor is used in local service and such permit shall be continuous and issued at no fee. Such permit shall not be issued until proof of payment of fees under schedule III has been established.

Section 32-3303. Additional fees - gross weight over 42,000 pounds. In addition to the fees provided for in sections 32-3301 and 32-3302, for each motor truck, truck-tractor, trailer, or semitrailer having a gross loaded weight in excess of forty-two (42,000) pounds and within the weight limits specified in section 32-1123, there shall be paid and collected annually a fee of sixty-two dollars and fifty cents (\$62.50) for each two thousand (2,000) pounds, or fraction thereof.

Section 32-3304. (Chapter 187, Laws of Montana 1969) Additional fees -- pole trailers, low-boys, and livestock. There shall be paid and collected annually a fee equal to seventy-five per cent (75%) of the fees provided in Schedule I and Schedule II above on pole trailers; trucks, truck-tractors, trailers and semitrailers used exclusively in hauling livestock and logs; truck-tractors and low-boy trailers used exclusively in hauling equipment; and truck-tractors drawing or hauling said low-boy trailers.

Section 32-3304.1. Additional fees - haulers of ready-mix concrete. There shall be paid and collected annually a fee equal to fifty-five per cent (55%) of the fees provided in Schedule I and Schedule II, as provided in section 32-3301 and 32-3302, R.C.M. 1947, on concrete mixer trucks, concrete mixer trailers and concrete mixer semi-trailers used exclusively for hauling ready-mix or ready to pour concrete and truck tractors used exclusively in hauling concrete mixer semitrailers.

Section 32-3305. Additional fees -- house trailers. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually for each house trailer, based upon overall length of body as set by the licensee in his application, except as otherwise provided, a fee equal to seventy-five cents (\$.75) for each foot of overall trailer body length exclusive of bumpers and hitch.

Section 32-3306. Additional fees -- certain farm vehicles. Except for motor trucks owned and operated by co-operative associations or co-operative marketing associations, there shall be paid and collected annually a fee equal to sixteen per cent (16%) of the fees provided in Schedule I and Schedule II above on motor trucks, trailers and semitrailers, owned and operated by ranchers or farmers in the transportation of their own ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard, or dairy, or of supplies or commodities to be used on the farm, orchard or dairy, and on one truck tractor and low-boy trailer used by contractors engaged exclusively in soil conservation work and land leveling activities that result in direct benefit to agriculture. However, the minimum fee so paid shall be six dollars (\$6). The terms "trailers and semitrailers" as used herein shall not include farm wagons.

Compiler's Notes: This section was amended twice in 1967, once by Ch. 143 and once by Ch. 2 (Ex. Sess.). Neither amendatory act referred to or incorporated the changes made by the other. Since the two amendments do not appear to conflict, the compiler has made a composite section embodying the amendment made by both 1967 acts.

Section 32-3307. Additional fees - buses. There shall be paid and collected annually for each bus or auto stage with the exception of school buses a fee of seven dollars (\$7) per seat, exclusive of the first seven (7) seats and the operator, for the maximum adult seating capacity thereof, except that motor vehicles which are regularly used to haul freight and passengers shall be taxed upon the basis of the gross weight schedule established in section 6-201 /32-3301/. School buses shall not be exempt if they enter charter service.

Section 32-3308. Additional fees - quarterly payment. When the gross weight of any vehicle exceeds twenty-four thousand (24,000) pounds, the additional fees for motor trucks, trailers, tractors, pole trailers, or semitrailers may be purchased for a three months' period for one-fourth (1/4) the regular fee at the beginning of any quarter of the calendar year. For each fee so paid other than at the time of payment of the basic license fee, an additional fee of one dollar (sic) (\$1) shall be charged. The commission is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia, which shall state the quarters for which the vehicle is licensed.

Section 32-3309. Failure to pay additional fees - penalty. No vehicle licensed under the provisions of section 6-208 /32-3308/ shall be operated over the public highways unless the owner or operator thereof within ten (10) calendar days or seven (7) business days as provided by law, whichever is greater, after the expiration of any such three-month period shall apply for and pay the required fee for a license for an additional three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highway after the expiration of said ten (10) calendar days or seven (7) business days as provided by law, whichever is greater, shall be guilty of a misdemeanor. In addition he shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five (5) days thereafter, no license for a full year has been purchased as required aforesaid, the Montana highway patrol, county sheriff or city police may impound such vehicle in such manner as may be directed for such cases by the supervisor of the Montana highway patrol until such requirement is met.

Section 32-3310. Three unit combination - fees in lieu of gross weight fees otherwise provided - marking. (1) In lieu of the gross weight fees provided in section 6-201 - 6-208 /32-3301 - 32-3308/ of this chapter, the owner of any motor truck or truck-tractor used on the highways of the state in connection with two (2) trailers or semitrailers at the same time shall register them as a three unit combination in the following manner:

(a) By paying the registration and other fees covering the maximum practical gross vehicle weight for such truck or truck-tractor, but not less than the actual operating gross weight under the provisions of sections 53-114, 53-122, and sections 6-201 and 6-203 /32-3301 and 32-3303/ of this chapter.

(b) By registering such trailers in accordance with the provisions of sections 53-114 and 53-112, and by paying the gross vehicle weight fee prescribed for the maximum trailing load in accordance with the provisions of sections 6-202 and 6-203 /32-3302 and 32-3303/ of this chapter on the combined gross weight of the two (2) trailers or semitrailers, treating them as if they were a single unit.

(2) Vehicles on which fees are paid in accordance with this section shall have marked thereon the gross weight for which fees have been paid, and shall bear a distinctive mark designated by the commission.

(3) Nothing herein shall be construed as authorizing axle loads in excess to those established by section 32-1123.

Section 32-3311, R.C.M. 1947, is repealed.

Section 32-3312. Additional fees on motor trucks, truck-tractors, trailers and semi-trailers from other states. (1) In lieu of other fees for the licensing of vehicles, there shall be collected a fee for each motor truck, truck-tractor, trailer and semi-trailer already licensed for the year in another jurisdiction and operated upon an itinerant basis in this state. The fee shall be collected upon each entrance of such vehicle into the state, and shall be based upon the number of miles to be traveled in the state as shown in the application of the nonresident operator.

(2) The fee shall be collected for any single vehicle. When any combination of truck, truck-tractor, semitrailer, or trailer totals more than six thousand (6,000) pounds gross weight, the fee shall be collected for each unit in the combination.

(3) The fee shall be:

(a) Five dollars (\$5) for each trip of two hundred (200) miles or less.

(b) Seven dollars and fifty cents (\$7.50) for each trip of over two hundred (200) miles to four hundred (400) miles.

(c) Ten dollars (\$10) for each trip of over four hundred (400) miles.

(4) Such fees shall not apply to any trailer the principal use of which is as temporary or permanent living quarters, or to any vehicle of a carnival which is under contract with a state, county, or district fair association.

Section 32-3313. Temporary trip permits showing payment of fees - display. (1) Temporary trip permits showing payment of the fees provided for in the last section shall be issued under such rules and regulations as may be prescribed by the commission. Such permit shall be displayed in the vehicle for which the fee has been paid at all times while such vehicle is being operated on the highways of this state by posting it where it may be read.

(2) The commission may limit the operation of any such vehicle in this state to a definite period of time.

Section 32-3314. Time for payment of fees by non-residents. A nonresident owner or operator of a motor truck, truck-tractor, trailer or semitrailer shall, immediately upon arrival in the state, contact the nearest highway patrol office, any commission office, the county sheriff, or the county treasurer's office to pay the fee and secure the permit prescribed. All fees collected shall immediately be remitted to the county treasurer.

32-3315. Sales tax on new motor vehicles. (1) In consideration of the right to use the highways of the state, there shall be imposed a tax upon all sales of new motor vehicles for which a license is sought and an original application for title is made. The word motor vehicle as used in this section shall mean automobiles, auto trucks and motorcycles, propelled by their own power, used upon the public highways of the state. The tax shall be paid by the purchaser when he applies for his original Montana license through the county treasurer.

(2) The sales tax shall be:

- (a) One and one-half percent (1-1/2%) of the F.O.B. factory list price or F.O.B. port of entry list price, during the first quarter of the year.
- (b) One and one-eighth percent (1-1/8%) of the list price during the second quarter of the year.
- (c) Three-fourths (3/4) of one percent (1%) during the third quarter of the year.
- (d) Three-eighths (3/8) of one percent (1%) during the fourth quarter of the year.
- (3) In case the manufacturer or importer fails to furnish the F.O.B. factory list price or F.O.B. port of entry list price, the highway commission may use any published price lists.
- (4) The proceeds from this tax should be remitted to the state treasurer every thirty (30) days for credit to the earmarked revenue fund of the state highway account.
- (5) The new vehicle shall not be subject to any other assessment or taxation during the calendar year in which the original application for title is made.

Section 32-3316. Violation - penalty. Any owner or operator of a motor truck, truck-tractor, trailer, semitrailer, bus or automobile who violates any provision of this part is guilty of a misdemeanor and shall be punished by a fine of not more than three hundred dollars (\$300), or by a sentence of not more than sixty (60) days in the county jail, or both.

Section 32-3317. Excess weight - penalties. (1) The operator shall be subject to the penalties stated in this section whenever the gross laden weight of any motor truck, truck-tractor, trailer, or semitrailer operated upon any highway in this state exceeds:

- (a) The gross vehicle weight shown on the owner's certificate of registration and tax receipt issued pursuant to section 53-107, or
- (b) The gross vehicle weight shown on the gross vehicle weight receipt issued pursuant to section 53-620.
- (2) The operator shall: Immediately thereafter pay to the nearest county treasurer or state highway commission the difference between the fee already paid and that applicable to the gross weight of his vehicle before unloading the excess, provided that it does not exceed the legal axle weight.

53-620. Blank forms furnished county treasurers. It shall be the duty of the Montana state highway commission to furnish all county treasurers with the following:

1. Blank application forms and affidavit forms outlining and providing for the information needed in each classification or registration required.
2. Registration, license or certificates in such form as is determined most suitable by the Montana highway commission.
3. Such other forms, stickers, certificates or blanks as in the opinion of the Montana highway commission are deemed necessary to carry out the provisions of this act.

53-624. Enforcement of Act. It shall be the duty of the Montana state highway patrol and any designated and duly appointed employee of the state highway commission to enforce the provisions of this act and each member thereof is hereby instructed to make examinations and inspections of trucks, trailers and semitrailers, buses, or automobiles operating upon the highways in this state, to ascertain whether or not the provisions of this law have been complied with.

53-626. Exemptions from act. Motor vehicles operating exclusively for transportation of persons for hire within the limits of incorporated cities or towns and within fifteen (15) miles from such limits shall be exempt from the provisions of this act; provided that motor vehicles brought or driven into Montana by any nonresident migratory bona fide agricultural worker temporarily employed in agricultural work in this state where said motor vehicles are used exclusively for transportation of agricultural workers shall likewise be exempt from the provisions of this act; and further providing all vehicles lawfully displaying a licensed dealers plate as provided in Section 53-122, Revised Codes of Montana, 1947, shall be exempt from the provisions of this act when moving to or from a dealers place of business when unladen or laden with dealers property only.

53-627. Purpose of fees - Effective date. The fees provided in this act are in consideration of the right to use the highways of the state of Montana, and this act shall be in full force and effect from and after the first day of January, 1952.

DEALER DEMONSTRATION PERMITS

CHAPTER 209 MONTANA SESSION LAWS 1971 HOUSE BILL NO. 189

AN ACT REQUIRING A LICENSED TRUCK OR TRAILER DEALER TO SECURE A DEMONSTRATION PERMIT FOR PURPOSES OF DEMONSTRATION ONLY, AFFIXING THE FEES AND TERMS OF SAID PERMITS, AFFIXING A PENALTY AND REPEALING SECTIONS 53-118.1, 53-118.2, 53-118.3, 53-118.4 AND 53-118.5, R.C.M. 1947, ENACTED AS SECTION 2, CHAPTER 36, LAWS OF 1965.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. DEMONSTRATION OF TRUCKS AND TRAILERS AUTHORIZED -- DEALER'S PLATE TO BE USED. A new or used truck or trailer dealer licensed under section 53-118 may demonstrate to a prospective purchaser any truck, truck tractor, trailer or semitrailer, owned by or consigned to said dealer, or otherwise controlled by said dealer, by payment of the fees required in this section; provided the vehicle displays the dealer's registration plate or other current Montana registration and the demonstration permit provided in Title 32, chapter 33, R.C.M. 1947, chapter 197, Laws of 1965.

Section 2. APPLICATION FOR TRUCK DEMONSTRATION PERMIT -- FORM AND CONTENTS -- NUMBER OF PERMITS AUTHORIZED. The licensed dealer shall obtain the demonstration permit upon application to the Montana highway commission and payment of eight (\$8) for each permit and the payment of this fee shall be in lieu of fees required under Title 32, chapter 33. The form of such permits and the application therefor shall be provided by the state highway commission under such rules and regulations

as they may prescribe and shall be designed so that the licensed dealer may fill in the necessary information thereon and such permit will be validated by the dating, inserting of name and address of the prospective purchaser, and affixing thereto the signature of said licensed dealer. The licensed dealer may obtain more than one (1) but not to exceed five (5) demonstration permits with each application.

Section 3. OPERATION UNDER TRUCK DEMONSTRATION PERMIT -- PERIOD OF PERMIT -- RENTAL UNDER PERMIT PROHIBITED. Vehicles displaying said permit may be operated either laden or unladen. Each of the said permits shall expire seven (7) days from and after the date of validation by the licensed dealer.

A demonstration permit shall not be issued to the same prospective purchaser for the demonstration of the same vehicle or vehicles for more than one (1) seven (7) day period.

The vehicle operating with the demonstration permit shall not be leased or rented by the licensed dealer or operated for compensation by the licensed dealer whatsoever.

Section 4. VIOLATION OF TRUCK DEMONSTRATION PROVISIONS. Violation of any provision of this section shall be deemed a misdemeanor and subject to the provisions of section 32-3316. For the purposes of this section, a licensed dealer shall be considered the owner.

Section 5. DISPOSITION OF TRUCK DEMONSTRATION FEES. Fees collected under this section shall be disposed of in the manner provided in section 32-3204, R.C.M. 1947.

Section 6. Sections 53-118.1, 53-118.2, 53-118.3, 53-118.4 and 53-118.5, R.C.M. 1947, enacted as in section 2, chapter 36, Laws of 1965, are hereby repealed.

SPECIAL MOBILE EQUIPMENT

32-3707. Special mobile equipment - exemption from registration and payment of fees and charges - identification plate - application - fee - publicly owned special mobile equipment. (1) A person, firm, partnership, or corporation who owns, leases, or rents special mobile equipment as defined in section 53-642 and occasionally moves that equipment on, over, or across the highways of the state, shall not be subject to registration of that equipment or be required to pay the fees and charges provided for in the chapter 'state finance' /chapter 32 to 35 of this title/. Prior to any movement on the highways, however, each piece of equipment shall display an equipment identification plate or a dealers' license plate attached thereto.

(2) Annual application for the identification plate shall be made to the county treasurer before any piece of equipment is moved on the highways. Application shall be made on a form furnished by the registrar of motor vehicles, together with the payment of a fee of five dollars (\$5); provided, that such equipment for which a special mobile equipment plate is sought, shall be subject to the assessment of personal property taxes either on the date application is made for such plate, if that date falls between the first day of January and the first Monday of March, or on the first Monday of March, provided further, that it is a condition precedent to the issuance of a special mobile equipment plate that the personal property taxes so assessed against the special mobile equipment, be paid. The fees collected under this act shall belong to the county road fund.

(3) The identification plate shall expire on March 31 of each year.

(4) Publicly owned special mobile equipment, and implements of husbandry used exclusively by an owner in the conduct of his own farming operations, are exempt from the provisions of this section.

53-638.1. Exemptions of vehicles not capable of operation on highways. Track-type tractors, other track mounted machinery and equipment, road rollers, and other similar equipment and machinery which cannot be self-propelled or towed upon the highways of this state and which must be transported by some type of hauling unit, shall not be subject to any of the terms and provisions of Title 53, R.C.M. 1947.

53-640. Issuance of identification plate and receipt - contents. The county treasurer shall issue to each applicant a single metal plate with a distinguishing number and a receipt for the fee collected, which receipt shall contain the name and address of the applicant, the number of the plate issued, the serial number of the equipment and a brief description of the same.

53-641. Attaching receipt to equipment - inspection. The receipt shall be carried in a suitable container attached to the equipment or immediately available for inspection of any peace officer or highway patrolman.

53-642. "Special mobile equipment" defined. "Special mobile equipment" means every vehicle which is not designed and used primarily for the transportation of persons or property on a public highway and which is operated or moved over the highway from construction project to construction project, and not removed from the confines and haul roads thereof, except for movement from construction project to storage yard, from storage yard to construction project, or from storage yard or construction project to point of repair or maintenance and return. Special mobile equipment includes, but is not limited to portable air compressors, air drills, asphalt spreaders, gravel crushing equipment and hot plant equipment, buckets, belt and front-end loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, earth moving scrapers and carry-alls, lighting, generating and power plants, welders, pumps, power shovels and draglines, cranes, crane mounted heel-boom log loaders, fork-lift trucks, lumber carriers, bunkhouses, tool houses, shop cars, oil distributors, scales and scale houses, and conveyors. It also includes self-propelled tractor-drawn earth moving equipment, dump trucks and tractor-dump trailer combinations which, because of excess width, height, length, or unladen weight, cannot be moved over a public highway without a permit as provided in section 32-1127, R.C.M. 1947, and which are operated unladen except within the boundaries of the project limits, as defined by the contract, and adjacent haul roads. However, the term "special mobile equipment" shall not include a vehicle such as a truck, truck-tractor, trailer, semitrailer, house trailer, or house car, designed for the transportation of persons or property.

REGISTRATION

(Note -- Sections 53-118.1 through 53-118.5 were repealed by Chapter 209, Montana Session Laws 1971.)

53-119.1. Special permits for vehicles engaged in a single movement on the highways - Fee - Limitation - County Treasurer to issue. A vehicle subject to license under Title 53, may be moved unladen upon the highways of this state from a point within the state to a point of destination, the county treasurer at the point of the origin of the movement, shall issue a special permit therefor in lieu of fees required under sections 53-122 and 53-615, upon application presented to him in such form as shall be provided by the registrar of motor vehicles and upon exhibiting to said county treasurer proof

Effective July 1, 1971

of ownership and evidence that the personal property taxes on such vehicle, if any are due thereon, have been paid and upon payment therefor a fee of five dollars (\$5.00). Such permit shall not be in lieu of fees and permits required under sections 53-630 through 53-638.

Such permit shall be for the transit of the vehicle only, and the vehicle shall not at the time of such transit, be used for the transportation of any persons, except the driver, or property whatsoever for compensation or otherwise, and shall be for one (1) transit only between the points of origin and destination as set forth in the application and shown on the permit.

For the purpose of this section, a mobile home shall be considered unladen, when all items are removed, except the equipment originally installed by the manufacturer; and personal effects of owners.

Definition of a mobile home - house trailer for the purposes of this section. A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for movement on streets and highways, and exceeds twenty-five (25) feet in length, exclusive of trailer hitch.

53-119.2. Fees credited to general road fund. All fees collected under this act shall belong to the general road fund of the county and be for the use and benefit of that fund.

53-129. Foreign vehicles used in gainful occupation - Reciprocity Board may make reciprocal agreements to exempt. Before any foreign licensed motor vehicle shall be operated on the highways of this state for hire, compensation or profit, or before the owner and/or user thereof uses the vehicle if such owner and/or user is engaged in gainful occupation or business enterprise, in the state of Montana, including highway work, the owner of such vehicle shall make application to a county treasurer for registration, upon an application form furnished by the registrar of motor vehicles. Upon satisfactory evidence of ownership submitted to such county treasurer, and the payment of property taxes as is required by sections 84-6008 or 84-406, the treasurer shall accept the application for registration and shall collect the regular license fee required for the vehicle. The treasurer shall thereupon issue to the applicant a copy of the application entitled "Owner's Certificate of Registration Receipt" and forward a duplicate copy of certificate of registration to the registrar of motor vehicles. The treasurer shall at the same time issue to the applicant the proper license plates or other identification markers, which shall at all times be displayed upon such vehicle, when operated or driven upon roads and highways of this state, during the period of the life of such license. The registration receipt shall not constitute evidence of ownership, but shall only be used for registration purposes. No Montana certificate of title shall be issued for this type of registration. This paragraph shall not be applicable to any vehicle covered by a valid and existing reciprocal agreement or declaration entered into under the provisions of the laws of Montana.

53-130. (1760.8) Foreign vehicles to display number plates. All foreign registered and licensed motor vehicles shall also carry in plain sight thereon the license plates or device from such other state or foreign country.

MOBILE HOMES

84-406. Time of assessment - Motor vehicles - Mobile homes - Livestock. (1) The assessor must, between the first Monday of March and the second Monday of July in each year, ascertain the names of all taxable inhabitants, and assess all property in his county subject to taxation, except such as is required to be assessed by the State Board of Equalization, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was at 12 m. of the first Monday of March next preceding. He must also ascertain and assess all mobile homes arriving in his county after 12 m. of the first Monday of March next preceding. The procedure provided by this section shall not apply to:

(a) Motor vehicles which are required by subdivision (2) hereof to be assessed as of the first day of January; but no mistake in the name of the owner or supposed owner of real property renders the assessment thereof invalid.

(b) Livestock being fed in feeding pens or enclosures which may by subdivision (3) of this section be assessed on an average inventory basis. Credits must be assessed as provided in Section 84-101, subdivision 6.

(c) Property defined in Section 53-642 as "special mobile equipment" shall be subject to assessment of personal property taxes either on the date that application is made for a special mobile equipment plate, if that date falls between the first day of January and the first Monday of March, or on the first Monday of March.

(d) Mobile homes held by a distributor or dealer of mobile homes as part of his stock in trade.

(2) The assessor must ascertain and assess all motor vehicles, except mobile homes, in his county subject to taxation as of January 1 in each year, and the same shall be assessed to the persons by whom owned or claimed, or in whose possession or control such vehicle was at 12 m. of the first day of January in each year. Provided that such tax shall not be assessed against motor vehicles which constitute inventory of motor vehicle dealers as of January 1, but said vehicles, and all other motor vehicles brought into the state subsequent to January 1, as motor vehicle dealer's inventory, shall be assessed to their respective purchasers as of the dates said vehicles are registered by said purchasers, and purchasers means and includes dealers who apply for registration or re-registration of motor vehicles, except as otherwise provided by Section 32-3315. Goods, wares and merchandise of motor vehicle dealers, other than new motor vehicles and new mobile homes, shall continue to be assessed at full and true value as of the first Monday of March.

Except that this paragraph shall not apply to an applicant for registration or re-registration of a mobile home, nothing herein contained shall relieve the applicant for registration or re-registration of any other motor vehicle so assessed or subject to assessment of the duty of paying taxes thereon as a condition precedent to registration or re-registration in the event said taxes have not been paid by any prior applicant or owner in all cases where required to be paid.

(3) The assessed value of livestock being fed in feeding pens or enclosures on the first Monday in March may be computed by adding the value of livestock more than six (6) months of age being fed on the last day of each month since the last assessment date and dividing the sum by twelve (12).

84-6008. Assessment of personal property brought into the state - exceptions. Any personal property, including livestock, brought, driven or coming into this state at any time during the year which is used in the state for hire, compensation or profit; or if the owner and/or the user of the property is engaged in gainful occupation or business enterprise in the state; or the property otherwise comes to rest and becomes a part of the general property of the state, shall be subject to taxation and shall be assessed for all taxes, levied or leviable for that year in the county in which the same shall thus be, in the same manner and to the same extent except as hereinafter otherwise provided, as though such property had been in the county on the regular assessment date; provided that such property has not been regularly assessed for the year in some other county of the state; provided further that nothing herein contained shall be construed into authority to assess or levy any tax against any merchant or dealer within this state on goods, wares or merchandise brought into the county to replenish the stock of such merchant or dealer, in addition to the tax levied against the inventory of said merchant or dealer on the regular assessment date; provided further, that this act shall not apply to motor vehicles brought, driven or coming into this state by any nonresident migratory bona fide agricultural workers temporarily employed in agricultural work in Montana where said motor vehicles are used exclusively for transportation of agricultural workers.

84-6601. Definitions. As used in this act:

(1) "Mobile home" means forms of housing known as "trailers", "house trailers" or "trailer coaches" exceeding eight (8) feet in width or thirty-two (32) feet in length designed to be moved from one place to another by an independent power connected thereto.

(2) "House trailer" means: (a) A trailer or semitrailer other than a mobile home as defined in this section which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) whether mobile or stationary; or

(b) A trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, whether mobile or stationary.

(c) "Dealer" means a person engaged in the distribution or sale of mobile homes.

84-6602. Display of property tax sticker required - Issuance and contents of sticker. The owner of a house trailer must display on the back of his house trailer or in another conspicuous place a property tax paid sticker prescribed by the supervisor of the Montana highway patrol with the approval of the registrar of motor vehicles. The registrar shall produce the stickers for each county. The stickers shall contain the identifying number of the county and consecutive numbers starting with the number one (1) in each county. The sticker shall be issued by the county treasurer at the time of payment of property taxes. The sticker shall be displayed from fifteen (15) days after the due date for personal property taxes of one year to the due date for personal property taxes of the next year.

84-6603. Tax receipt to be produced if trailer stopped on highway. If stopped on a highway or at a state vehicle weight station by a state highway patrolman or state vehicle weight station attendant, a person transporting a house trailer must produce, if requested, the property tax paid receipt or a duplicate issued by the county treasurer where the vehicle was taxed.

84-6604. Penalty for failure to display or produce declaration, sticker or receipt. (1) Whoever makes a false or fraudulent declaration of destination, or, when required, fails to execute a declaration of destination or fails to produce a declaration of destination or tax paid receipt, if a tax paid receipt is required, is guilty of a misdemeanor and upon conviction is punishable by imprisonment in a county jail for not more than six (6) months, or by a fine of not more than five hundred dollars (\$500), or both.

(2) Whoever fails to display a property tax paid sticker or to produce a property tax paid receipt from fifteen (15) days after the due date for personal property taxes of one (1) year to the due date for personal property taxes of the next year shall constitute a misdemeanor punishable by a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) or confinement in the county jail for not more than thirty (30) days or both such fine and imprisonment.

84-6605. Act restricted to trailers subject to taxation. The provisions of this act shall apply only to those mobile homes and house trailers, as defined in this act, subject to assessment and taxation under section 84-406 and section 84-6008.

84-6606. Verified declaration of destination on out-of-state mobile homes - delivery and affixing to vehicle - obtaining tax receipt - exemptions. (1) Whoever brings a mobile home into the state of Montana shall immediately upon arrival in the state execute a written declaration verified under oath stating the destination of the mobile home and such other information as the state board of equalization shall require and shall deliver the original of the declaration to whoever is on duty at the nearest port of entry station, state vehicle weight station or such other places and persons as the state board of equalization may prescribe. He shall also immediately upon arrival in the state of Montana affix a copy of the declaration to the mobile home at a conspicuous place.

(2) Whoever moves a mobile home from a point within the state of Montana to another point within or without the state of Montana shall first:

(a) Execute the declaration provided for in subsection (1) of this section, deliver the original of it to the treasurer of the county in which the move originates or to such other person as the state board of equalization shall prescribe and affix a copy of it to the mobile home to be moved at a conspicuous place;

(b) Obtain from the county treasurer of the county in which the move originates a receipt showing payment in full of property taxes due with respect to that mobile home to the date it is moved.

(3) The provisions of subsection (2) (b) of this section shall not apply whenever a person moves a mobile home:

(a) From a point without to a point within the state of Montana.

(b) Between places of business of dealers within or without the state of Montana.

(c) From the place of business of a dealer to a point within or without the state of Montana.

SPECIAL FUEL

84-1833. SPECIAL FUEL DEALERS' AND SPECIAL FUEL USERS' LICENSES AND SPECIAL FUEL VEHICLE PERMITS. (a) Required: It shall be unlawful for any person to act as a special fuel dealer in this state unless such person is the holder of an uncanceled fuel dealers' license issued to him by the board.

Every special fuel user shall obtain from the board, prior to the use of such special fuel for the propulsion of a motor vehicle or vehicles in this state, a special fuel users' license, and a special fuel vehicle permit for each such vehicle or vehicles operated by him upon the highways as herein defined, which permit shall at all times be carried in the vehicle for which it was issued, and shall be exhibited for inspection on request of any checking station officer, Montana highway patrol officer, any member of the state board of equalization or any authorized employee of said board, or any other law enforcement officer.

(b) Application: Application for a special fuel dealer's license, a special fuel user's license, or a special fuel vehicle permit shall be made to the board.

(c) Form of application: The application shall be filed upon a form prepared and furnished by the board. The application shall contain such information as the board deems necessary.

(d) Bond: No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in section 84-1831 (i) and in such form as the board may require to secure its compliance with this act, and the payment of any and all taxes, interest and penalties due and to become due hereunder. Upon application the board may waive the bond requirement of any special fuel user who establishes to the reasonable satisfaction of the board that no tax, interest or penalties are accrued under the provisions of this act.

The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to twice his estimated monthly tax payments as hereinafter provided, determined in such manner as said board may deem proper; provided, however, that the total amount of the bond or bonds shall never be less than five thousand dollars (\$5,000.00) for any special fuel user awarded a contract in accordance with section 84-1932.1, nor less than five hundred dollars (\$500.00) for any other special fuel user; and not less than one thousand dollars (\$1,000.00) for a special fuel dealer.

(e) Issuance: Upon receipt of the application and bond in proper form, the board shall issue to the applicant a license to act as a special fuel dealer or special fuel user or a special fuel vehicle permit; provided, however, the board may refuse to issue a special fuel dealer's license, a special fuel user's license or a special fuel vehicle permit to any person: (1) who formerly held either type of license or permit which, prior to the time of filing application has been revoked for cause; or (2) who is not the real party in interest and where the license or permit of the real party in interest has been revoked for cause prior to the time of filing such application; or (3) upon other sufficient cause being shown. Before such refusal, the board shall grant the applicant a hearing and shall grant him at least ten (10) days' written notice of the time and place thereof.

(f) Expiration of license or permit: Each special fuel dealer's license, special fuel user's license and special fuel vehicle permit shall be valid until suspended or revoked for cause or otherwise canceled.

(g) Assignment forbidden: No special fuel dealer's license, special fuel user's license or special fuel vehicle permit shall be transferable.

(h) Revocation, suspension, cancellation and surrender of license and permit: The board may revoke the license of any special fuel dealer or special fuel user or any special fuel vehicle permit for reasonable cause. Before revoking such license or permit, the board shall notify the licensee or permittee of its intention so to do, by either certified or registered mail, addressed to his last known address shown in the files of the board, requiring him to appear before the board on a day and hour specified in such notice, not more than thirty (30) days nor less than ten (10) days from date of such notice, and show cause, if any he has, why the license or the permit, or each of them, should not be revoked; provided, however, that at any time prior to and pending such hearing the board may, in the exercise of reasonable discretion, suspend such license or permit.

Upon revocation by the board of any such license or permit, the holder thereof shall immediately surrender the same to the board for cancellation; and the holder of any such permit, having permanently discontinued the use of any vehicle for which the permit was issued, for whatever reason, shall immediately surrender the same to the board for cancellation.

The board shall cancel any license to act as a special fuel dealer or a special fuel user or any special fuel vehicle permit immediately upon surrender thereof by the holder.

(i) Release of surety: Any surety on a bond furnished by a special fuel dealer or special fuel user as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty (30) days from the date upon which such surety shall have lodged with the board a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty (30) day period. The board shall promptly upon receiving any such request, notify the special fuel dealer or special fuel user who furnished the bond, and unless the special fuel dealer or special fuel user shall, on or before the expiration of the thirty (30) day period, file a new bond, in accordance with the requirements of this section, or make a deposit in lieu thereof as provided in section 84-1831 (i), the board forthwith shall cancel the special fuel dealer's or special fuel user's license.

(j) Additional bond or deposit: The board may require a special fuel dealer or special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in section 84-1831 (i), if, in its opinion, the security of the surety bond theretofore filed by such special fuel dealer or special fuel user, or the market value of the properties deposited as security by such special fuel dealer or special fuel user, shall become impaired or inadequate; and upon failure of the special fuel dealer or special fuel user to give such new additional surety bond or to deposit additional securities within thirty (30) days after being requested so to do by the board, said board forthwith shall cancel his license.

(k) All special fuel taxes due from any dealer or user under the provisions of this act, together with all penalties and interest thereon shall be a lien upon any and all property of such dealer, user or other person upon the filing by the state board of equalization of a duplicate copy of the statement so made by the state board of equalization, or a certified copy of any statement filed by said board in the office of the county clerk of the county where such property is situated which lien shall have precedence over any other claim, lien or demand thereafter filed or recorded and which may be enforced in the name of the state of Montana in the same manner as judgment liens are enforced by law.

SPECIAL FUEL USER'S TEMPORARY TRIP PERMITS

84-1842. Special fuel user's temporary trip permits - Agents by whom issued. Any person operating a special fuel-powered vehicle upon the public roads and highways of this state who fails or neglects to carry in the vehicle a valid special fuel vehicle permit, as provided by section 84-1833, shall be required to purchase a special fuel user's temporary trip permit. The permits will be issued by scale house personnel, gross vehicle weight (g.v.w.) patrol crews, Montana highway patrolmen, and such other enforcing agents as the board of equalization may prescribe by order, rule or regulation.

84-1843. Fees for temporary permits - Time of expiration - Disposition of fees - forms. The temporary special fuel permits shall cost the special fuel vehicle user a fee of twenty dollars (\$20.00); said permit shall be valid for a period of time not to exceed seventy-two (72) hours and will be automatically void should said vehicle leave the state of Montana during the seventy-two (72) hour period. All fees collected will be remitted to the state board of equalization. Special fuel temporary permits, remittance forms and any other necessary papers for the accounting and enforcement of this act shall be furnished by the state board of equalization.

84-1844. Penalty for operation without temporary permit - compliance bonds. Any unlicensed user of special fuel vehicles operating within the state of Montana, without making application for said temporary permit, and paying the specified fee, shall be guilty of committing a misdemeanor and upon conviction, be fined fifty dollars (\$50.00). Nothing contained herein shall affect the existing policy of accepting a compliance bond to be retained for use by the state board of equalization and to be imposed at the discretion of the enforcing agency.

CHAPTER NO. 242
MONTANA SESSION LAWS 1971
HOUSE BILL NO. 118

AN ACT AUTHORIZING THE HIGHWAY COMMISSION TO GRANT CERTAIN EMPLOYEES OF THE STATE HIGHWAY COMMISSION THE POWER OF ARREST IN SPECIFIED INSTANCES, PROVIDING FOR RULES AND REGULATIONS, ESTABLISHING QUALIFICATIONS TO ACCEPT BAIL, ISSUE SUMMONS, FILE COMPLAINTS, AND PROVIDING FOR COOPERATION WITH OTHER PEACE OFFICERS.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. The state highway commission is hereby empowered to appoint employees as peace officers to carry out the provisions expressly set forth in this act. Such employees so elected shall include only the gross vehicle weight division supervisor, scale supervisor, and scalemen. Each employee so appointed shall be issued a certificate of appointment and execute an oath of office which shall be entered into the records of the commission.

Section 2. The highway commission shall provide such training as required to qualify said employees to competently perform their duties under this act and shall establish such rules and regulations as are required and necessary for qualification of said employees as peace officers.

Section 3. No employee shall be authorized to make arrests until he has successfully completed such training as required by the highway commission.

Section 4. Qualified employees shall have authority to make arrests throughout the state of Montana only when dressed in official uniform and displaying the official badge authorized by the highway commission. Authorized employees may not carry firearms unless officially attired.

Section 5. Employees of the state highway commission designated under this act shall be empowered when officially dressed to make reasonable inspection of vehicle registration receipts, state highway commission receipts and registrations, special permits, and such other documents as may be required to be carried in or for a vehicle traveling on the public highways of Montana.

Section 6. Employees of the state highway commission engaged in the enforcement of this act shall wear and prominently display an identification badge or device with the employee's name and title shown thereon. The state highway commission may in its discretion authorize uniform dress for state highway commission employees engaged in the enforcement of this act.

Section 7. The term "public highways" are highways as defined in section 32-2114, R.C.M. 1947, amended.

Section 8. Authorized employees of the state highway commission shall have authority to make arrests for violations of the following statutory provisions only:

- (1) Section 32-1122 through section 32-1130, R.C.M. 1947, as amended.
- (2) Section 32-3201 through section 32-3203, R.C.M. 1947, as amended.
- (3) Section 32-3301 through section 32-3316, R.C.M. 1947, as amended.
- (4) Section 32-3401 through section 32-3406, R.C.M. 1947, amended.
- (5) Section 53-118.1 through section 53-118.4, R.C.M. 1947, amended.
- (6) Section 53-119.1, R.C.M. 1947, amended.
- (7) Section 84-1833, R.C.M. 1947, amended.
- (8) Section 84-1841 through section 84-1844, R.C.M. 1947, amended.
- (9) Section 84-6601 through section 84-6605, R.C.M. 1947, amended.

Said employees shall have no authority to arrest other than herein specified.

Section 9. The employees of the state highway commission shall cooperate with other law enforcement agencies.

Section 10. DUTY OF AUTHORIZED EMPLOYEE UPON MAKING AN ARREST -- POWER TO FIX AND ACCEPT BAIL -- FEES OF JUSTICES OF PEACE. Authorized employees, upon making an arrest, shall deliver to the offender a form of summons describing the nature of the offense with instructions thereon for the offender to report to the nearest justice of the peace, the authorized employee has the right to accept a deposit for appearance justifiable for the offense charged. The person arrested may be detained for a reasonable time for the purpose of issuing the summons. In the event the authorized employee accepts bail, he shall give a signed receipt to the offender setting forth the amount received. The authorized employee shall then deliver the bail money to the justice of the peace before whom the offender is to appear, the justice of the peace shall give a receipt to the authorized employee for the amount of bail money delivered. After filing of the complaint and appearance of the defendant, the justice of the peace shall assume jurisdiction and may set, fix and accept further appearance bail bond.

For the purpose of this act only, the fees of justices of the peace in all offenses in which the statutory fine is five dollars (\$5) or less, shall be one dollar (\$1), but if the statutory fine is in excess of five dollars (\$5), the justices of the peace shall be permitted the fee now prescribed by law; provided that no additional fees shall be paid justices of the peace where salaries are fixed by law.

DEFINITION OF HIGHWAY

32-2114. STREET OR HIGHWAY - PRIVATE ROAD OR DRIVEWAY - ROADWAY - SIDEWALK - LANED ROADWAY - THROUGH HIGHWAY - CONTROLLED ACCESS HIGHWAY.

(a) Street or Highway. The entire width between the boundary lines of every street, highway and related structure as have been, or shall be, built and maintained with appropriated funds of the United States and which have been, or shall be, built and maintained with funds of the state of Montana, or any political subdivision thereof, or which have been or shall be dedicated to public use or have been acquired by eminent domain.

(b) Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(c) Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(d) Sidewalk. That portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

(e) Laned Roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(f) Through Highway. Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop

before entering or crossing the same and when stop signs are erected as provided in this act.

(g) Controlled Access Highway. Every highway, street, or roadway, in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.